THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6416 of 2006

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings of the third respondent dated 1.7.2005 cancelling the authorization of the petitioner, which was confirmed by the second respondent vide proceedings dated 17.10.2005 and further confirmed by the first respondent vide order dated 31.12.2005 as arbitrary and illegal.

It appears, petitioner was the fair price shop dealer of Lakudaram village, Kondapaka mandal, Medak district. While so, her authorization was cancelled by the third respondent vide proceedings dated 1.7.2005 enumerating as many as (9) irregularities purported to have been committed by the petitioner. An explanation was called for from the petitioner vide show cause notice dated 6.4.2005 and the petitioner submitted her explanation dated 20.4.2005 to the said show cause notice. The third respondent, except enumerating the irregularities purported to have been committed by the petitioner, did not discuss the explanation submitted by the petitioner and stated that the explanation of the petitioner is not satisfactory. It seems, the impugned cancellation order was passed based on the report of the fourth respondent-Mandal Revenue Officer to the effect that the dealer has indulged in clandestine business. The third respondent without conducting any independent enquiry, except relying on the report of the Mandal Revenue Officer, has passed the impugned cancellation order, which was confirmed by the appellate authority as well as revisional authority. Hence the writ petition.

Heard both sides.

I am of the opinion that the purported irregularities are vague and general, and no specific allegations have been made against the petitioner. The petitioner submitted her explanation, but the same was not considered by the third respondent while passing the impugned order. Though wild allegations of clandestine business have been alleged against the petitioner, no independent enquiry has been conducted by the third respondent except stating that the explanation

submitted by the petitioner was not convincing. It appears, the impugned order has been passed only on the basis of the report purported to have been submitted by the fourth respondent dated 21.1.2005 and 23.5.2005. No witness was examined and no opportunity was given to the petitioner in the enquiry purported to have been conducted by the fourth respondent. For all the above reasons, the order passed by the third respondent dated 1.7.2005, which was confirmed by the second respondent and further confirmed by the first respondent are in gross violation of principles of natural justice, therefore, the same are liable to be set aside.

In the result, the writ petition is allowed and the impugned order passed by the third respondent dated 1.7.2005 as confirmed by the second respondent vide order dated 17.10.2005 and further confirmed by the first respondent vide order dated 31.12.2005 are set aside and the matter is remitted back to the third respndent for fresh consideration of the matter after putting the petitioner on notice. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order. Till such time, status quo as on today shall continue. No order as to costs.

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C.V.RAMULU, J

Date: 26.12.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6416 of 2006

26.12.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6416 of 2006

Date: 26th December, 2006

Between:

Smt.T.Nagamani

.. Petitioner

And

The District Collector,
at Sanga Reddy, Medak district & others.

.. Respondents